

CHAPTER 2. ADMINISTRATION OF THE COURTS; FAIRNESS; COURTROOM DECORUM

ADMINISTRATION

2.1 Location

Sessions of the court shall be held in Ukiah, Willits, Leggett, Covelo, Fort Bragg, Boonville, and Point Arena, California.

Eff. Jan. 1, 1999.

2.2 Sessions of the Court

The sessions of the superior court are established by a Standing Order Setting Court Calendars, a copy of which is available at the Office of the Court Executive, or at the office of the clerk of a particular court. The sessions are established to provide the most efficient operation of the court for the benefit of the public and cost-savings. Counsel should be aware, however, that calendared matters or court sessions may change; if there is any question regarding scheduling of matters to be heard by the court, counsel should contact that particular court for further information.

Eff. Jan. 1, 1999.

2.3 Holidays

If any day on which an act is required by these rules to be done falls on a holiday as defined in Code of Civil Procedure section 134 and Government Code section 6700, the act may be performed with the same effect as if it had been performed on the required day on the next succeeding court day after the holiday.

Eff. Jan. 1, 1999.

2.4 Presiding Judge and Assistant Presiding Judge

The superior court shall have a presiding judge who shall be elected every 2 years by the judges of the superior court. The presiding judge, with the concurrence of the Executive Committee, may appoint such assistant presiding judges as may be deemed appropriate. The presiding judge may also appoint a presiding judge of the appellate department and a presiding judge of the juvenile court each of whom shall be a judge of the superior court. An assistant presiding

judge so designated shall assume the duties of the presiding judge in the event of the absence or incapacity of the presiding judge.

Eff. Jan. 1, 1999. As amended, Eff. Jan. 1, 2003

FAIRNESS

2.5 Duty to Prevent Gender or Other Bias

To preserve the integrity and impartiality of the judicial system, each judge shall:

- a. Insure that courtroom proceedings are conducted in the manner that is fair and impartial to all the participants.
- b. In all judicial proceedings refrain from engaging in conduct and prohibit others from engaging in conduct that exhibits gender or other bias whether that bias is directed toward counsel, court personnel, witnesses, parties, jurors or any other person.
- c. Insure that all orders, rulings and decisions are based on the sound exercise of judicial discretion and the balancing of competing rights and interests and are not influenced by sex based or other stereotypes or biases.

Eff. Jan. 1, 1999.

2.6 Gender Neutral Language

The court shall use gender neutral language in all local rules, forms and court documents and shall provide for periodic review to insure the continued use of gender neutral language. These changes will be made as local rules; forms and documents are modified for other reasons.

Eff. Jan. 1, 1999.

2.7 Complaints re: Bias or Sexual Harassment

Court employees, attendants and officers of the court will not engage in any conduct or activity that produces or contributes to bias or sexual harassment in the court system.

Any person who observes or believes they have been subjected to bias or sexual harassment shall immediately report the incident to the court's Fairness Officer,

who shall advise the court executive officer that a complaint has been received. The fairness officer shall have the following duties and powers:

- a. Investigate any complaints promptly and thoroughly.
- b. Ensure that the complainant's rights are protected.
- c. When appropriate, consult with attorneys and/or members of the public.
- d. Maintain confidentiality.
- e. Provide the court executive officer with a quarterly report on complaints received, if any.
- f. Make recommendations for policy or procedure changes, training, and any other means that will prevent and eliminate bias and/or sexual harassment in the court system.

The presiding judge shall appoint a fairness officer on or before January 1 of each year with the advice of the Executive Committee. The person so appointed shall serve one year unless a resignation occurs. Removal may only occur by unanimous vote of the Executive Committee.

Eff. Jan. 1, 1999.

COURTROOM DECORUM

2.8 General Policy

- a. These rules have been adopted to foster orderly proceedings and respect for the Constitution of the United States, the Constitution of the State of California, the laws of this state, and the Superior Court.
- b. The rules set forth herein shall apply in all superior court proceedings unless a judicial officer orders otherwise in a particular circumstance. A judicial officer, upon appropriate application in a particular case, may waive the application of any particular rule or may impose additional rules applicable to such case.
- c. Each attorney who appears in court should:
 - 1. Pursuant to Business and Professions Code section 6068(b) "maintain the respect due to the courts of justice and judicial officers."

2. Be polite and considerate toward opposing counsel, opposing parties, witnesses, and members of the court's staff.
3. Be familiar with the rules and guidelines set forth in this chapter as well as other applicable statutes and rules of conduct, ethics, and professionalism.
4. Make reasonable efforts to advise clients, witnesses, and others accompanying them of these rules, and make a reasonable attempt to see that such persons abide by these rules.

Eff. Jan. 1, 1999.

2.9 Attire

All attorneys, litigants, witnesses and spectators shall be required to dress and conduct themselves in a manner consistent with the traditional dignity of the superior court.

- a. **Litigants and Attendees.** All persons in the courtroom should dress in a manner that is not offensive or distracting to others of usual sensibilities. Counsel shall so instruct parties they represent, witnesses they call and persons accompanying them. No person shall appear in court without a shirt, barefoot or with a bare midriff. The following shall not be worn in court: sunglasses, hats, shorts, tank tops, or any clothing that displays inappropriate words or pictures.

Bailiffs will remove any person from court who violates this rule. This rule does not limit the power of any judicial officer to further prescribe appropriate attire in the courtroom.

- b. **Attorneys.** Attorneys should be neatly and appropriately dressed in business attire for all court appearances. By way of example, and not by way of limitation, the court deems it inappropriate for an attorney to appear in court wearing jeans or tennis shoes or for male attorneys to be in court without a jacket and tie.

Eff. Jan. 1, 1999.

2.10 General Courtroom Behavior

Persons in the courtroom shall not:

- a. Talk to clerks when the court is in session, except conversation that may be necessary in relation to the matter at that moment before the court.
- b. Converse with anyone in a manner that is distracting to the proceedings then before the court.
- c. Eat, drink, chew gum, or read newspapers.
- d. Visibly or audible display approval or disapproval, agreement or disagreement with any testimony, ruling, or statement of the court, counsel, or a witness.
- e. Communicate in any way with a prisoner.

Eff. Jan. 1, 1999.

2.11 Communications to Court or Jury

- a. Counsel shall instruct their staff, the parties they represent, any associates of such parties who may attend court, and the witnesses they call that they shall have no communication with the court touching upon any subject of the pending litigation except on the record with all counsel or parties appearing in propria person present.
- b. Counsel shall instruct the parties that they represent, any associates of such parties who may attend court, and the witnesses they call that they shall have no communication with any juror or alternate juror.
- c. The court shall promptly disclose any violation of the rule set forth in paragraph (a) to all parties. If the court becomes aware of a violation of the rule set forth in paragraph (b), it shall promptly disclose such fact to all parties. In either event the court shall not make any such disclosure a part of the record of the case.

Eff. Jan. 1, 1999.

2.12 Telephones, Cellular Phones, and Beepers

- a. No one other than a judicial officer or a member of the court's staff shall use a courtroom telephone without the specific permission of the court.
- b. Cellular phones shall not be used within the courtroom at anytime. All noise alert devices related to such cellular phones shall be turned off when in the courtroom.
- c. All beepers and other noise alert devices shall be turned off in the courtroom.

Eff. Jan. 1, 1999.

2.13 Traversing the Well

Persons in the courtroom should not traverse the area between the bench and counsel table, except with the express approval of the court. Counsel shall instruct their clients, witnesses they call, and persons accompanying them.

Eff. Jan. 1, 1999. As amended, Eff. Jan. 1, 2003

2.14 Addressing the Court

When addressing the trial judge in court, "Your Honor" is proper. When referring to the trial judge in the third person in court "the court" is proper. When addressing the trial judge in court "Judge" or "Judge (Name)" is not proper.

Eff. Jan. 1, 1999.

2.15 Examination from Counsel Table

Counsel, and parties appearing in propria persona, shall remain at a lectern or behind the counsel table when examining a witness. During trial, counsel shall not exhibit familiarity with witnesses, parties or other counsel, nor address them by use of first names (except children).

Eff. Jan. 1, 1999.

2.16 Approaching a Witness

Unless directed otherwise by the court, counsel need not request the permission of the court to approach a witness for the purpose of showing the witness a document or the object. Before approaching a witness for any other purpose, a party shall request permission from the court.

Eff. Jan. 1, 1999.

2.17 Stand to Object and Argue

- a. Counsel shall stand when addressing the court, except when stating the grounds for objection to evidence without argument thereon.
- b. Argument, objections and requests by counsel during trial shall be addressed to the court rather than directly to adversaries.
- c. Any request for the court reporter to read or mark the record or to “go off the record” should be addressed to the court outside the presence of the jury, and not to the reporter.

Eff. Jan. 1, 1999.

2.18 Objections

When making an objection counsel should:

- a. Only state the legal ground for the objection unless the court permits further comment.
- b. Address the court, and not opposing counsel or the witness.
- c. Not interrupt a question unless necessary to protect a client’s rights or if the partial question is patently objectionable.

Eff. Jan. 1, 1999.

2.19 Smoking

Smoking is prohibited throughout the courthouse. Persons desiring to smoke shall do so outside of the courthouse. Recesses during jury deliberation will be permitted at reasonable intervals to permit smoking outside the courthouse.

Eff. Jan. 1, 1999.

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